

## **REMARKS**

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-78 are presently pending. Claims amended herein are: 1, 57, 63 and 67. Claims withdrawn or cancelled herein are: 19, 56 and 72-75. New claims added herein are: none.

### **Formal Request for an Interview**

[0004] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0005] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

### **Claim Amendments and Additions**

[0006] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 57, 63 and 67 herein.

## **Substantive Matters**

### **Claim Rejections under §§ 102 and 103**

**[0007]** The Examiner rejects claim 75 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0056098 to White. For the reasons set forth below, the Examiner has not shown that cited references anticipate the rejected claims.

**[0008]** In addition, the Examiner rejects claims 1-74 and 76-78 under 35 U.S.C. §103(a) as being unpatentable over various combinations of relied upon references. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

**[0009]** Accordingly, Applicant respectfully requests that the §102 and §103 rejections be withdrawn and the case be passed along to issuance.

**[0010]** The Examiner's rejections are based upon the following references alone and in combination:

- **Proehl:** *Proehl, et al.*, US Patent Publication No. 2005/0204389 (published September 15, 2005);
- **White:** *White*, US Patent Publication No. 2002/0056098 (published May 9, 2002);
- **Kandasamy:** *Kandasamy, et al.*, US Patent Publication No. 2004/0187164 (published September 23, 2004);
- **Sampson:** *Sampson, et al.*, US Patent No. 5,802,499 (issued September 1, 1998);

- **Papagan:** *Papagan, et al.*, US Patent Publication No. 2002/0059604 (published May 16, 2002); and
- **Couchot:** *Couchot, et al.*, US Patent Publication No. 2004/0243717 (published December 2, 2004).

## **Overview of the Application**

**[0011]** The Application describes a technology for an on-line personalized electronic program guide that utilizes TV tags in a web environment to enable users to spontaneously and easily submit program preferences to an on-line database. The TV tags are juxtaposed with television programming information that a user may encounter during normal web surfing.

## **Cited References**

**[0012]** The Examiner cites numerous references in rejecting the originally submitted claims. Specifically, the Examiner relies upon the following references:

### **Proehl**

**[0013]** Proehl describes a technology for representing programming content in an Electronic Program Guide (EPG) through graphics accessed from a hard drive of a set top box. A user is able to select a program's name or logo, still shots from selected programs, short video clips related to a selected program or advertisements related to the selected program. (See Abstract).

White

[0014] White describes a technology for a web browser system for displaying recently viewed television channels. Specifically, the system and methods described provide a way to display images of recently viewed television channels for a user's convenience.

Kandasamy

[0015] Kandasamy describes a method and apparatus for selecting television programs for recording and remotely transmitting control information to a recording device to record a selected television program.

Sampson

[0016] Sampson describes a technology for providing credit support to parties associated with derivative and other financial transactions.

Papagan

[0017] Papagan describes a technology for linking media content for interactive broadcast over a network.

Couchot

[0018] Couchot describes a technology for translating between disparate data object models.

## **Anticipation Rejections**

**[0019]** Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.<sup>1</sup> Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.<sup>2</sup>

### **Based upon White**

**[0020]** The Examiner rejects claim 75 under 35 U.S.C. § 102(b) as being anticipated by White. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

**[0021]** **Independent claim 75** recites one or more computer-readable media comprising computer-executable instructions that, when executed, direct a computing system to (emphasis added for clarity only):

receive an indication of a **viewer selection of a TV tag**, the TV tag being rendered with other web-based content, the TV tag having an associated television entertainment data element and an associated action; and

perform the associated action with reference to the associated television entertainment data element.

---

<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

<sup>2</sup> See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

**[0022]** White does not teach that a TV tag is selectable by a viewer. Instead, White teaches a TV tag that defines attributes describing how an object will be displayed on the television screen. (See Paragraph [0058]). The TV tag of White includes attributes used by a TV object defined within the system. (See Paragraph [0059]). One attribute specifies the television channel corresponding to an object defining a small screen object. *Id.* Other TV tag attributes of White specify the width and height of the display screen or the shape and rotation of the small display screen object. *Id.* No where within White are the TV tags described as being selectable.

**[0023]** The Examiner also points to paragraphs [0042] and [0062] as teaching receiving an indication of a viewer selection of a TV tag, the TV tag being rendered with other web-based content, the TV tag having an associated entertainment data element and an associated action. (See Office Action page 40). Applicant respectfully traverses the Examiner interpretation of the cited reference. Neither of the cited paragraphs teaches the selection of a TV tag. Instead both paragraphs teach the highlighting/focusing selection of a small display screen. (See Paragraph [0042]). The small display screen of White is not the same as the TV tag that describes how the small screen or object will be displayed on the television screen. As such, White doesn't teach a selectable TV tag as used in independent claim 75.

**[0024]** Consequently, White does not disclose all of the claimed elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

## **Obviousness Rejections**

### **Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

**[0025]** Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a *prima facie* case have not been met.

### **Based upon Proehl and White**

**[0026]** The Examiner rejects claims 1-7, 9-22 and 25 under 35 U.S.C. §103(a) as being unpatentable over Proehl in combination with White. Applicant respectfully traverses the rejection of these claims, but in an attempt to more speedily advance prosecution, applicant has amended independent claim 1 to incorporate elements of dependent claim 19. Applicant respectfully asks the Examiner to withdraw the rejection of these claims.

**[0027]** **Independent claim 1** as amended recites a method comprising:

- receiving data that describes a television broadcast schedule;
- rendering web-based content that is related to television entertainment; and
- rendering along with the content, a TV tag, the TV tag having an associated data element that can be associated with at least a portion of the data that describes a television broadcast schedule, wherein the TV tag is used to display a portion of the data that describes the television broadcast schedule that is contextually relevant in relation to the web-based content.

**[0028]** The combination of Proehl and White does not teach that the TV tag is used to display a portion of the data that describes the television broadcast schedule that is contextually relevant in relation to the web-based content. As described with reference to Independent claim 75, White does not teach of a TV tag that describes anything. As such, independent claim 1 is not rendered obvious by the relied upon combination.

**[0029]** The Examiner admits that Proehl does not teach the use of TV tag. (Action p. 7) The Examiner relies upon White as teaching the use of TV tags. As discussed previously, the TV tags of White are different than the TV tags of the present application. TV tags, as used in White, define aspects of the small screens/objects on a TV screen. As such, White does not teach a tag that displays a portion of the data that describes the television broadcast schedule.

**[0030]** As shown above, the combination of Proehl and White does not disclose all of the claimed elements and features of these claims. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Dependent Claims 2-18 and 20-25*

**[0031]** These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Independent Claims 26, 33, 27, 45, 51 and 65**

**[0032]** Independent claims 26, 33, 37, 45, 51 and 65 each include an element that is not taught by the cited art. Namely, each independent claim, recites in part, the term “a selectable TV tag”. The Examiner relies upon White for the teaching of a TV tag. As discussed previously, White does not teach a selectable TV tag. As such, Applicant respectfully requests that the Examiner withdraw the rejection of these claims.

**[0033]** White teaches the use of a TV tag that is utilized during the rendering of a TV home Page and/or TV Recent page using standard HTML command structures. (See Paragraph [0058]) On each of these pages, small display screens are displayed using an HTML extension Tag, called a TV tag. *Id.* The HTML tag attributes describe how an object will be displayed on the television screen. *Id.*

**[0034]** The TV tag of White cannot be selected. The TV tag is simply part of the HTML code that defines the shape and size of a screen as depicted upon a TV screen. (See Paragraph [0059]). Because White does not teach a selectable TV tag, the Examiner has failed to show that independent claims 26, 33, 37, 45, 51 and 65 are rendered obvious. As such, Applicant respectfully requests that the Examiner withdraw these rejections.

## **Dependent Claims**

**[0035]** In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the

Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

**Independent Claim 57**

[0036] **Independent claim 57** has been amended to recite a method comprising:

receiving web-based media content;  
identifying television entertainment data that may be associated with the web-based media content; and  
associating a TV tag representing the television entertainment data with the web-based media content, such that the TV tag is rendered when the web-based media content is rendered and the TV tag is rendered to display a portion of the television entertainment data that describes a broadcast schedule that is contextually relevant in relation to the web-based content.

[0037] As stated with reference to independent claim 1, the combination of Proehl and White fails to teach that the TV tag is rendered to display a portion of the television entertainment data described in the broadcast schedule. As such, applicant respectfully requests that the Examiner withdraw the rejection of independent claim 57.

**Dependent Claims 58-62**

[0038] These claims ultimately depend upon independent claim 57. As discussed above, claim 57 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Independent claims 63 and 67**

[0039] Independent claims 63 and 67 have been amended to clarify that the TV tags representing portions of the television broadcast schedule data are selectable. As such, Applicant respectfully requests that the Examiner withdraw the rejections these claims.

**Dependent Claims 64-66 and 68-71**

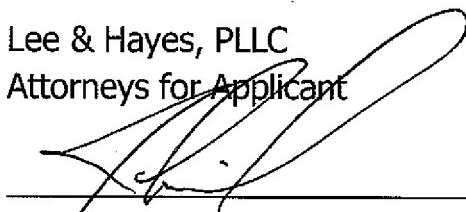
[0040] These claims ultimately depend upon independent claims 63 and 67 respectively. As discussed above, claims 63 and 67 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Conclusion**

[0041] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Attorneys for Applicant

  
Kayla D. Brant ([kayla@leehayes.com](mailto:kayla@leehayes.com); x242)  
Registration No. 46576  
Jason F. Lindh ([jason@leehayes.com](mailto:jason@leehayes.com); x215)  
Registration No. 59090  
Assistant: Megan Arnold ([megan@leehayes.com](mailto:megan@leehayes.com); x270)  
Customer No. **22801**

Dated: 2007.02.07

Telephone: (509) 324-9256  
Facsimile: (509) 323-8979  
[www.leehayes.com](http://www.leehayes.com)